

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
MARCH 25, 2009**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Marie Hickey-AuClaire, Gordon Cross, George Culpepper Jr., Frank DeKort, Marc Pitman, Mike Mower, Randy Toavs and Jim Heim. Rita Hall arrived late. BJ Grieve represented the Flathead County Planning & Zoning Office.

There were 39 people in the audience.

**APPROVAL OF
MINUTES**

DeKort motioned and Culpepper seconded to approve the February 11, 2009 and March 11, 2009 minutes. The motion passed unanimously.

**PUBLIC
COMMENT
(not related to
agenda items)**

Kit VanTell, 226 Park Dr, Evergreen, wanted to comment on the neighborhood plan for Evergreen. He said George Culpepper was at a meeting at Evergreen School. The public comment was a definite negative. He did not have much else to say, because he did not know much more about it. For years Kalispell had been trying to annex Evergreen and they did not want to be annexed.

Pat Wagner, 1365 LaBrant Road, Bigfork, rose to a question of personal privilege. She requested that the board members wear their lapel microphones and not lay them on the table. It was a violation of the Americans with Disabilities Act title two to not provide adequate communication with others. She had copies of the ADA2 wording.

Don Loranger, 12891 Sunburst Drive Bigfork. Wanted to ask if everyone in the room who knew what the zip code of Bigfork was, to raise their hand. He gave a history of the plan. He asked the indulgence of the board after all that had been done, to forward it to the commissioners, remembering this was a document that reflected the views of the people of Bigfork.

Albert Clarke, 564 E Evergreen, asked if there was anyone in the audience who wanted to see the Evergreen Neighborhood Plan go through to raise their hand. He was not interested in the board's political stuff in Evergreen and he told the board to leave them alone.

Cross reminded the audience the only thing on the agenda that night was the Bigfork Neighborhood Plan. There was no Evergreen Neighborhood Plan and the board was not considering it.

Don Schwennesen, 19290 MT 35 Bigfork, wanted to reiterate the request that the board respect the work that had gone into the Bigfork Plan.

Edd Blackler, P O Box 555, Bigfork, was a participant of the original survey of Bigfork. He felt it was an expression of how the residents of Bigfork wanted the area to develop. He thought they should have that opportunity. The 2004 revisiting of the plan had the same sentiment. He felt it would be very disappointing if the voices of people who did not live in that area were to influence the board to not push the plan forward to the commissioners who actually had the opportunity and responsibility to look it over and say yea or nay. He urged the board to move the plan forward.

Gregg Hutcheson, 12 Sunset Drive, Evergreen, wanted to state he was totally against a development plan in evergreen and hoped the board did not jump forward to get the plan started in his area.

**REVISED *draft*
BIGFORK
NEIGHBORHOOD
PLAN**

Board discussion and action regarding revisions to the Bigfork Neighborhood Plan and to include the Bigfork Neighborhood Plan as part of the Flathead County Growth Policy. This is board discussion to consider all changes to the plan, both those originally proposed by the Bigfork Land Use Advisory Committee (BLUAC) and those suggested by the Flathead County Planning Board after the April 9, 2008 public hearing and the December 11, 2008 workshop. The Neighborhood Plan revisions need to be in general compliance with the Flathead County Growth Policy and Montana state law.

**BOARD
DISCUSSION**

Cross suggested they start on page one and see if any board member had any discussion topic or motion.

Culpepper did not have any objection with the plan of action. However, he did have a concern and he did need to concur with some in the room. He did agree that it was Bigfork's plan and the residents did put a lot of effort toward it. But just looking at it page by page, he saw several things which he felt violated state law. Some were Montana Code Annotated 76-1-605, 76-1-604,

76-1-603, 76-2-205, and 76-1-601. There were several provisions that he had made expressly clear which violated the Flathead County Growth Policy. That refers to the section on affordable housing. It was made a few papers ago in the Bigfork Eagle that he had referenced affordable housing and that Bigfork tried to accommodate that. But what it failed to do was adhere to the growth policy when it referred to class B and class C manufactured homes which were single wide trailers, single wide homes if you wanted to call them that. Because of that it violated the growth policy simply because on page 32 of the growth policy and he quoted the passage from the policy. Bigfork had public sewer and water but yet they were trying to discriminate against one particular class of homes for those who couldn't afford any other home in Bigfork and those were the single wide modular, single wide homes. Mobile home parks do require class C and class B homes. With that said, they also heard from the county commissioners if there were some changes, the commissioners preferred to have the land use advisory committee make those changes. He typically agreed with that, but also agreed that it was his role as a member of the Flathead County Planning Board to look out after the interest of all Flathead County taxpayers. He agreed that Bigfork did put forth all their effort into this and he believed that the board should adhere to what some of the things they do, but if they were not following the law, if they were not following the procedures, than they had to do what was best for all Flathead County residents. That meant pertaining to the taxes, health, general safety and welfare of all Flathead County residents. He also agreed that they had to continue to move forward with this plan and once this plan reached the board then they had the obligation to make sure that it reached the county commissioners in accordance with the laws they swore to uphold. Further, he believed that any county taxpayer who asked for the growth policy, which this Bigfork Neighborhood Plan would be a part of, could understand the information within it to include the plan as an addendum which it would become. He felt it was the board's role to make sure this document met three criteria. These were his criteria which he thought they should look at. Did it meet the general health, safety and welfare of the residents of Flathead County? Did it follow state and county laws and was it easy to understand? If that was the case, he had a page and a half to two pages of changes and he thought there were some board members who had some more changes. If that was the case, then he felt they needed to send the plan back to BLUAC for them to make the changes they had in front of

them. Because, as it stood right now, based on some of the laws it did not follow, particularly in the line of the growth policy, this board was going to have to make some significant changes. If that was truly what the board was there to do, then he had to make those changes. But, he would like for the residents of Bigfork to have a say in what he believed was their plan. But, if they were not willing to make those changes, then the board, in his opinion, had to make it in the best interests of all Flathead County residents. He said however the board decided to move forward on this was fine, but he was prepared to make a motion to send the plan back to BLUAC to consider the adopted changes that the board made there.

Mower said as far as he knew there were no lawyers on this board. He felt that the interpretation of the law was up to the county lawyers. He did not feel it was the board's place to interpret the law since none of them were qualified to do that. He said if any of them had any concerns about the law, that they should highlight those passages and turn them over to the county attorneys in the process of submitting the plan to the county commissioners. He thought they were way, way out of bounds when they talked about the law and were certainly not qualified to do that.

Culpepper had to disagree, completely disagree, because if they took an oath to uphold the laws of the State of Montana and the Constitution of the United States, then they must make sure that everything was in accordance with the law. If the Flathead County Commissioners asked them to make sure the plans they sent before them, that anything they send before them, should uphold to the law. It had to pass muster. They always talked about lawsuits, you always heard about lawsuits, why was that? It was because no one wanted to make sure that everything fell in accordance with the law. He was not an attorney, he agreed with that. No one on the board was an attorney, but they had the laws in front of them, they had the growth policy in front of them and if they were not willing to take the time to take a look at the law and what the law required of them then they should not be in the business of making determinations of whether or not they should pass things through. It was their responsibility to make sure, because when he heard the words 'let's send this through to the county attorney' that was county taxpayer dollars being wasted. He was not ready to send anything forward to the county attorney's office out of this document so that they could waste taxpayers' money. It was not in the health, safety and

general welfare of the Flathead County residents. He could not disagree more. This was not...He could not believe that he heard a planning board member say 'put it through to the county attorney's office.' He was prepared to send it back to BLUAC. If that was the issue of the board, then so be it. But if this plan stayed as it was, he would deny it based on the violations of the growth policy and Montana Code Annotated.

Cross asked if there was a motion on the floor.

Culpepper said no, he simply was saying that he was prepared to make a motion based on the changes that they made there to include the Bigfork Land Use Advisory Committee, to include the residents of Bigfork so they could see the changes that they made. Or, the board could submit the changes they would like them to make so that it was still their plan. But regardless, he had a page and a half of changes that he felt would uphold the law and he thought others had the same concepts so they could either make those changes or present the changes to BLUAC for them to take back these documents to get these back to the board in a reasonable amount of time, so that way they could send it to the commissioners. If it adhered to the laws, and if it adhered to the growth policy, he was one to tell them that he would support it. But, if it did not, he would vote against it and right now he was prepared to vote against it.

Cross said he thought the people of Bigfork would be best served if they went through the document and brought up the concerns and voted on them one by one. Then they would have a full sense of what the board felt about the various issues which may or may not come to light. He started to go through the document number by number.

Culpepper had an issue with IV which was an issue he had through the whole document. He...we, meaning Bigfork residents had been given the run around about old information and this was where it started, on IV. On Montana Code Annotated 76-1-601 said they must have economic conditions. Right now the current Bigfork Neighborhood Plan was based on old data back in 2005. It was missing '06, '07, '08, and now '09. How economic times had changed...drastically. Things were not the way they were when the document was started or ended in 2005. That meant that things had changed and would continue to change and would not go back to where they were in 2005 or before. There were a lot of people unemployed, a lot of economic

conditions that had impacted it and this was where it all started. Part of the growth policy and housing assistance, needed to be changed because there were programs which were no longer available. This was the problem he had. BLUAC needed to go back and update their information with current information pertaining to 76-1-601. He had no more comments on that one.

Cross continued to work through the document.

Culpepper had an issue with IX. He said this was where he went back to current information. He said BLUAC did not have time to put the current information in the plan and yet when it came to IX, there was new information, so much so that it mentioned a discussion on December 11, 2008 and talked about recommendations that the board previous to him participated in. While it was good to have this current information in there, why wasn't it good to have the current economic conditions and the current housing needs and the current population, everything else into this document? If they could have the current information based on when the planning board met with BLUAC in IX, then they should have the current information based on today's current economic situation in this document. He wanted to make that point for the record.

Cross continued through the document.

MOTION
(Amend X)

Culpepper made a motion seconded by Heim to amend X to read; The Bigfork Neighborhood Plan, a part of the Flathead County Growth Policy, is not regulatory.

ROLL CALL
(Amend X)

On a roll call vote, the motion passed 6-2 with Pitman and Mower dissenting.

BOARD
DISCUSSION

Culpepper wanted to add wording; as stated in MCA 76-1-605.

Grieve asked for clarification.

Culpepper said because essentially this entire phrase was, lo and behold, accordance to the law and they should be following the law, so that way the general public could go to the law to see where they could read it at. Everything mentioned in this purpose and intent was mentioned in Montana Code Annotated (MCA) 76-1-605 and he would like that inserted into the document.

MOTION
*(insert MCA
reference)*

Culpepper motioned and Toavs seconded to add wording; as stated in MCA 76-1-605 after the word provisions.

**BOARD
DISCUSSION**

Cross spoke against the motion. He said it was a subject of a Supreme Court decision regarding neighborhood plans as to whether or not neighborhood plans were regulatory. He thought it was a broader issue for people in the county. He did not want to limit the statement based on what Culpepper was suggesting.

Culpepper read the passage from MCA. So essentially, it only held more teeth to the intent of the statement. So, that was why he was asking for an aye on this motion.

**ROLL CALL
VOTE**
(Add MCA #)

On a roll call vote, the motion failed, 2-6 with Culpepper and Toavs agreeing.

**BOARD
DISCUSSION**

Cross asked if there were any other issues on page 10.

Culpepper was concerned with the definition given for the word shall because Webster's Dictionary gave an entirely different meaning than the one in the plan. They could either go with the definition in Webster's Dictionary or they could take it out all together. The same thing went for should. So, he preferred to remove them totally and leave the statements as is. The reason for removing them was that they were not in accordance with what the dictionary stated.

MOTION
*(remove shall and
should from
document)*

Culpepper made a motion and Hickey AuClaire seconded to remove the words shall and should from the document.

**BOARD
DISCUSSION**

Cross said he did know that there was a lot of work done on this issue because there were a lot more shalls and shoulds in the other drafts. The issue came up at the workshop and at that time things were not regulatory at that point. They did remove a lot of the shalls and shoulds.

Culpepper said if this truly was a non regulatory document, then the words shall and should, should not be in the definitions nor should they be anywhere in the document if it is non regulatory. So, he did not see any purpose to them being in there.

**ROLL CALL
VOTE**

*(Strike shall &
should from the
document)*

On a roll call vote, the motion failed 1-7 with Culpepper agreeing.

**BOARD
DISCUSSION**

Culpepper said he still had more since they were on the definitions, he would like to have a board discussion on what 'village character' was because it was mentioned throughout the document and there was no definition of 'village character'. Maybe it was a good concept and maybe it could be used throughout the entire Flathead County.

MOTION
*(make definition
for 'village
character')*

Culpepper motioned to make a definition for 'village character'.

**BOARD
DISCUSSION**

Cross asked if Culpepper was prepared to offer a definition.

Culpepper said he was prepared to offer one, but, again, this was where he was in conflict because he believed that the argument here was that it was the Bigfork Land Use Advisory Committee's, the residents of Bigfork's plan...He wanted them to define it. He should not have to sit there, nor should the board have to sit there, and define this for them. He would go on. There should be a definition for 'rural character', for 'population diversity', for 'preservation of the horizon', for 'unique character', for the term 'village', for the term 'commercial clutter', 'strict development', 'human scale', 'village atmosphere', and 'village areas'. These were all terms which were used throughout the document and needed to be defined. He would like to know what the definitions of them were, so they could either do it now, he would make a motion now, or they could go on as they proceeded through the document and define them then.

Cross said he was a little confused because earlier Culpepper wanted to remove shall and should because they were defined in the dictionary, but now there were words like village which were also in the dictionary. He was not sure which way was preferable in terms of what he was asking.

Culpepper replied because these were 'village character', that was...'village character', and 'rural character', 'population diversity', 'village unique character', commercial clutter', these were items, these were words, these were phrases residents of

Bigfork offered. If they...for them to define shall and should based on what they wanted, then they should be able to define these other words. His motion failed, so he shouldn't, quite frankly have to define what these things were. That's up to the residents of Bigfork, that's up to Bigfork Land Use Advisory Committee and they should be able to define those because they were mentioned throughout the document. What was that? They heard testimony a few weeks ago he thought from Mr. Meyers, about a 'feel good taste society' or what have you, using his phrase. He thought these were the things he was referring to and he thought they needed to be defined here. If the board saw fit to not do it, then so be it. He had lost some in the past and he would lose some in the future, but since his motion failed to include shall and should, and because based on the definition that they gave, then he firmly believed that the residents and the Bigfork Land Use Advisory Committee should be able to define these words, not him and not this board.

Pitman asked if there was a motion.

Culpepper said no.

Hickey AuClaire asked if any of those words were defined through the Flathead County Regulations.

Culpepper said no...not that he had seen. If someone could point them out to him, he would be happy to read them, but no. No, they were not defined. He did not see any of them in the Flathead County Regulations whatsoever.

Cross said there were no definitions in the growth policy, there were definitions in the development code, but he was not certain they were applicable. Unless a particular definition was cited, then it was just generally defined.

Mower said a term such as 'rural character' and phrases like that denote a philosophy, not necessarily a definition and he thought they used them in all their planning and frankly he did not see any reason to define them or provide a definition for them.

Cross continued through the document.

Culpepper had an issue on page 7. There were some provisions in there in his opinion that went against state statutes. One of

those referenced impact fees and there was another phrase in there on policy 3.1 where it said consistent with Flathead County Impact Fees Regulations. Flathead County did not have any Impact Fee Regulations. They did not have an Impact Fee Advisory Committee. Therefore, he believed that p3.1 should...he would make a motion to strike school expansion, and strike through the phrase consistent with Flathead County Impact Fee Regulations.

MOTION
*(Amend statement
concerning impact
fees)*

Culpepper made a motion and Toavs seconded to add should they be established at the end of the sentence concerning impact fees.

**BOARD
DISCUSSION**

Rita Hall joined the meeting at 6:42 pm.

Both Cross and Hickey AuClaire said they were along the thought of adding *should they be added* to the end of the sentence. This was a vision document and they (BLUAC) were not looking at what was right now, but what might exist until such time it was amended. If at some time in the future impact fees were instated, then this clause would be there. Until then, the point was somewhat moot, because there were no Flathead County impact fees.

Culpepper asked for clarification.

Cross clarified.

Culpepper said he agreed. He supported that. Right now it (impact fees) was not there, but if it would be there in the future, then they had the right to use other resources. He would support it.

DeKort asked if school expansion stayed in the motion.

The board briefly discussed school expansion and impact fees.

ROLL CALL
*(Amend statement
concerning impact
fees)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Culpepper had an issue on page 15.

Cross asked which number he had a concern about.

Culpepper said p .7.3. He was concerned with this particular policy because of 'pursue options of modified planning department review fees.' He did not think that phrase was needed because the commissioners were the ones who set the fees. So, if they were going to pursue modification, then all they needed to do was go to the county commissioners, they did not need to have that phrase in there. Concerning altering roadway requirements, they couldn't alter roadway requirements without the Montana Department of Transportation and the county road standards without them having a say in that requirement. So, he was concerned with that particular...the whole line from pursue to requirement and the option was there for them to pursue modifying planning department review fees through the county commissioners because they were the only ones who accept the fees. Then, altering roadway requirements, you had to go through the road to county standards and possibly the Montana Department of Transportation if they want to alter any of the requirements, so he thought that went against the policies and procedures and the laws set forth in Montana.

MOTION
(Strike pursue through requirements on 7.3)

Culpepper motioned and Hall seconded the motion to strike the words pursue through requirements on 7.3.

BOARD DISCUSSION

Pitman was confused as to what was the harm in anybody pursuing those things. How did things get changed without pursuing a change in the rules and regulations? If the community wanted to pursue those things, then they ought to be able to. He could not say that he would be able to tell them they do not have the right to pursue a change in the policy regulation or law. He thought that would be unconstitutional.

Mower said the board tended to grant varying widths on road widths, and had certainly done so recently. To him this 7.3 indicated intent and the intent was to reduce the cost. He did not see anything wrong with that. He did not see anything wrong with people trying to reduce cost, whether they did it at the commissioners' level or the planning board's level. He did not see anything wrong with it.

Cross tended to agree with Mower. He quoted out of the growth policy about developers being able to provide affordable housing.

The motion was withdrawn.

Cross continued through the document.

Culpepper had a concern with 7.5 which was appendix A. He wanted to note that here.

Pitman asked if it was a certain item in appendix A.

Culpepper said yes.

MOTION
*(Amend 7.6 to be
identical to 3.1)*

Cross moved and Culpepper seconded to make 7.6 identical to 3.1.

ROLL CALL
*(Amend 7.6 to be
identical to 3.1)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document. He had a potential suggestion for 7.10. In order to do that, he needed to jump ahead to 8.7 which concerned class B & C housing. He thought it did conflict with the county growth policy concerning affordable housing, etc. He thought it was exclusionary in some ways. He had a possible two part fix which he explained to the board.

MOTION
(Add 7.10)

Cross motioned and Culpepper seconded to add 7.10 to read; Policy 7.10 recognized the role played by a need for manufactured homes in providing affordable housing.

ROLL CALL
(Add 7.10)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Culpepper needed clarification on 8.3 where it said, 'recommend developers pay for exterior access road improvements.' He tried to find that term 'exterior access road'. They did define primary access roads which he believed were in 4.7.19 of the subdivision regulations, but he had not been able to find exterior. So, he said maybe someone else could point that out to him.

Cross also had some questions about this passage. He was not certain it was worded particularly well and it was confusing

especially regarding including housing sites of less than 5 acres. When he went through it before today it said...it was slightly different yet still confusing. He asked Grieve if he thought the statement accurately reflected what BLUAC was trying to do. He asked if Grieve came to any conclusions.

Grieve said they did discuss this issue during the process of work shopping. He gave a history of the statement and why it was phrased the way it was.

Cross said just last week, they had a development where they were considering a public water supply where the average lot was over 5 acres.

Mower said he could see where it would make sense to encourage new developments to utilize public water and sewer systems where practical. They ought to encourage the use of public water and sewer. He could see places where the systems could be used effectively.

Cross had a sentence which would read; encourage new development of housing sites less than 5 acres to consider utilizing public water and sewer.

The board discussed what exterior roads meant.

Culpepper thought developers should not be required to pay for something outside of their subdivision in his opinion.

Cross said they did that all the time.

Culpepper said but without the proper...

Pitman said that was pretty much in accordance with the subdivision regulations.

Culpepper said he could not find exterior. That was his only hang up. If it was there, then he would leave it alone.

Cross would be more worried about it if it was under the required section, not the recommend section.

MOTION

Cross made a motion seconded by Mower to amend p8.3 to read;

(Amend p8.3)

encourage new development of housing sites less than 5 acres to consider utilizing public water and sewer.

**ROLL CALL
VOTE**

(Amend p8.3)

On a roll call vote, the motion passed 7-2 with Toavs and Culpepper dissenting.

**BOARD
DISCUSSION**

Cross continued through the document.

MOTION

(Strike p8.7)

Culpepper moved and Hall seconded to strike p8.7.

**ROLL CALL
VOTE**

(Strike p8.7)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Hickey AuClaire had a concern with 9.6 saying that any zone change for commercial property should not occur until consideration has been given to the amount of adequacy of existing commercial zoning designations. She thought that any zone change needed to be based on the 12 criteria in the county regulations. She was unsure if it needed to be simpler. She thought 9.6 should say, 'approval of any zoning changes from commercial property should be based on the 12 criteria as set by the Flathead County Zoning Regulations.'

MOTION

(Amend 9.6)

Hickey AuClaire motioned and Toavs seconded to amend 9.6 to read; approval of any zoning changes from commercial property should be based on the 12 criteria as set by the Flathead County Zoning Regulations and Montana Statute.

**BOARD
DISCUSSION**

Grieve explained all the criteria involved in zoning changes which involved more than the 12 criteria in the Flathead County Zoning Regulations.

The motion was withdrawn.

Culpepper brought up policy 9.2, again, as he mentioned before the words 'strict development' and 'commercial clutter' along arterial highways. He was just not comfortable with 'strict development' and 'commercial clutter' without knowing the meaning of what it was. So, he just wanted to say that for the

record.

Cross continued through the document.

Toavs had comments about policy 10. He did not have a problem with all the subcommittees if, under 10.3, there was an amendment.

MOTION
(Amend 10.3)

Toavs motioned and Pitman seconded to amend 10.3 to read; commissioners and other reviewing governmental agencies so that they could become officially adopted before becoming part of the decision making process.

**ROLL CALL
VOTE**
(Amend 10.3)

On a roll call vote, the motion passed 7-2 with Culpepper and Hall dissenting.

**BOARD
DISCUSSION**

Cross had a motion on policy 10.1, the first sentence. He was sensitive to what was heard during public comment about BLUAC trying to potentially over reach.

MOTION
(Amend 10.1)

Cross motioned and Hickey AuClaire seconded to amend 10.1 to read; Consider creating BLUAC subcommittees comprised of members and non members too.

**BOARD
DISCUSSION**

Cross wanted to have subcommittees which were not totally comprised of BLUAC members. That way it would be open from the beginning to people who were not necessarily part of BLUAC.

ROLL CALL
(Amend 10.1)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Culpepper wanted to strike 10.5 because if this taxing source was just going to come from Bigfork residents alone, because it was something they wanted, then he could support it. But, because other tax sources would be paid out of tax payer dollars out of the entire Flathead County residents, he could not support that. He was not prepared to agree to raise anyone's taxes for one community. If the community wanted to raise their own dollars to support it, then the board could amend it. But to raise the entire Flathead County residents' taxes, he could not agree to do that.

MOTION

Culpepper moved and Hall seconded the motion to amend 10.5

(Amend 10.5)

to read; Funding for this activity shall come from community funding.

ROLL CALL
(Amend 10.5)

On a roll call vote, the motion passed unanimously.

BOARD
DISCUSSION

Cross continued through the document.

Hickey AuClaire brought up on page 24 under agricultural lands number one, the last sentence said growth is not planned for these areas and public services were designed accordingly. She said it was hard not to say that growth was not planned in this area because it could change. However it could be fine for now.

Cross asked Grieve for clarification on this point.

Grieve explained.

Cross continued through the document.

Toavs had a little issue with where they had their light industrial marked in their policy on page 28. He read what their typical uses would be. The only place they have marked was by the school. This did not make sense to him.

Hickey AuClaire also said that there were no places marked in the neighborhood plan for industrial either.

Grieve said that the point was well made and he did not disagree with it. The designation came from a previous land use of a now defunct business in the area.

Cross explained the steps which would need to be gone through if there were someone who did want to change the zoning in the area. There was a potential to create more light industrial land in the future. He continued through the document.

Culpepper had an issue on page 42 of the plan. Number one said the county should immediately implement an impact fee program. He thought that should...again this was their (BLUAC) vision. He suggested they should change it to the county should consider implementing an impact fee program.

MOTION

Culpepper motioned and Toavs seconded to amend #1 on page

(Amend #1 on page 42)

42 to read; the county should consider implementing an impact fee program.

ROLL CALL

(Amend #1 on page 42)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Culpepper brought up #2; the joint Flathead-Lake County interlocal agreement. The county found themselves in a big problem with interlocal agreements and BLUAC did not have the legal authority, since they were part of the county to enter into any interlocal agreement. That was only up to the county commissioners to decide, not the Bigfork Land Use Advisory Committee. If BLUAC wanted the county to enter into an interlocal agreement, then they should recommend, consider that recommendation to the county commissioners for them to consider to the Lake County commissioners. BLUAC was not the legal authority to enter any interlocal agreement that would affect all of Flathead County residents.

Cross had not read the composition rules and procedures of BLUAC. There may be something in there which prohibited interacting with the other county if the county itself created the agreement. He was not certain that #2 stated that BLUAC should do it, what it said was that they should change their laws and procedures so that the county could do it. It could be read both ways.

Culpepper said that was where the problem lay.

Cross asked if there were anyone from BLUAC who could clarify for them.

Shelley Gonzales said at the time this was written, four years ago, they were looking at an opportunity for northern Lake County to become part of Bigfork. They considered themselves a part of Bigfork residents and they were trying to come up with wording that if at sometime in the future, they were able to bring them into some sort of a relationship, they could participate more within the Bigfork framework. Primarily, it was more for zoning that they could have something which would allow for that. Again, it would obviously take some legal approval on the county's position for this to ever happen. They put it in there

because there was a lot of interest from the people in northern

Lake County to be more involved with the Bigfork process.

Culpepper concurred with that. It was a major problem and unfortunate because a lot of residents who do...because Bigfork was kind of split between Flathead and Lake Counties, a lot of those members, those residents who live in Bigfork that consider themselves Bigfork residents, they often come to Flathead County for their services. But when they got here, they had to be told that they had to drive all the way down to Polson because that was where their services were simply because they were in Lake county. So, he just wanted to be able to help to rework this to where they could get the counties to maybe inch towards that direction to take care of those residents in the village of Bigfork. He was just concerned that this statement said BLUAC should enter into an interlocal agreement and that's where he was caught up at. So, if they (BLUAC) had a recommendation, please.

Gonzales said Leslie Buderwitz, who had represented north lake county had just said to her that this issue was not going to be considered by them. So, they could remove this issue from the plan.

Culpepper said it was a great idea because that was the unfortunate aspect of it, was the fact that...It was his own personal opinion that those who lived in that part of northern Lake County should come into Flathead County and be part of Bigfork, because it would save them a lot of hassle since they were so close to Kalispell where the Flathead County services were and they have to drive all the way to Polson for their services. It was completely asinine if you asked him.

Cross asked if it was possible to amend the wording and offered an alternative.

MOTION
(Amend statement concerning interlocal agreement between lake and Flathead Counties)

Cross moved and Toavs seconded to amend the statement concerning the interlocal agreement between Flathead and Lake Counties to read; serves the residents of both Flathead and Lake Counties should the respective boards of county commissioners enter into one.

ROLL CALL

On a roll call vote, the motion passed unanimously.

BOARD

Culpepper brought up amendment #3. The board just heard

DISCUSSION

about the Americans with Disabilities Act and how the sound system was so important for people to hear. Well, whenever you had an official meeting somewhere, you should and must have that sound system otherwise you violated the Americans with Disabilities Act and federal law.

MOTION

*(Amend
amendment #3)*

Culpepper motioned and Hall seconded to strike the words 'on site if possible' from amendment #3.

**BOARD
DISCUSSION**

Culpepper said essentially to hold a public meeting with BLUAC on site if possible, meaning on the site of the location, to present their plans for the application process. In his opinion, that also went against 76-2-205. He did not think they should meet on site they should meet in a room similar to the planning board's meeting room so there was an appropriate sound system and so forth.

Grieve questioned the number 76-2-205 he quoted.

Culpepper read off what 76-2-205 pertained to which concerned public meeting with the commissioners.

Grieve said that passage pertained to meetings with the commissioners.

Culpepper agreed and said even beyond that, it was impossible to have something on site and have a sound system. Now, if the county wanted to purchase a sound system to go on site then by all means they could do that. But, to have that in there, to him violated.

Cross asked if the motion was to strike the entire sentence or the words on site if possible.

Culpepper said on site if possible.

Grieve said this recommendation did foster better projects.

Cross agreed. He said it had been the history of Bigfork. There had been a number of major developments down there where there had been an awful lot of support for the projects and he thought it had been garnered because they had a lot of public meetings prior to them coming before the board.

Pitman said they could still do that.

Grieve said it would absolutely have to be open to public process, but as Cross said, Bigfork had a history of working with developers. In his experience many of the developers appreciated that input so they could come before the board together hand in hand with BLUAC and not fight. That was his perspective and input on that issue.

Mower said he thought they were letting common sense escape on this issue. If it was possible to have an onsite meeting between the parties, in his opinion, it was better than sitting in a room, because you could see what was there. That was why the board all went out and visited the sites brought before them. If you encourage on site meetings, that was a good idea, not a bad idea.

Cross said it did say if possible.

Pitman said you could have a public meeting out there, but it perhaps should be followed up with a board meeting for those who could not attend on site.

Culpepper did not mind BLUAC going on site at these locations, but to have a public meeting on site where people didn't have a place to sit down, they didn't have a sound system, to where those who were hearing impaired, couldn't hear, that to him was a problem. He was not saying they could not have a public meeting, but it was the fact it was on site to where it was going to go against those who like to come there because maybe it was a particular area where someone who's completely disabled had to go to and they had to go through the mud and they could not do that. To him it was not appropriate. It was not an appropriate place to have a meeting.

Mower said there would be numerous public meetings. The onsite meetings were just the beginning of the process. He felt there would be adequate time for people who wanted to put in their input.

Pitman said he was a boy scout leader and they had kids who were in wheelchairs who went camping. He believed people could accommodate people. You could get vans, you could put

the person who was hard of hearing next to the speaker, and you

could accommodate people. It was possible.

ROLL CALL
(Strike 'on site if possible')

On a roll call vote, the motion failed 1-8 with Culpepper agreeing.

**BOARD
DISCUSSION**

Toavs had an issue with #5 on page 42 and the use of the words 'we recommend the use of this plan be required'.

Cross thought potentially BLUAC was criticized for making arbitrary decisions that were based on the personal preferences of the people who were in BLUAC. What this statement said was that BLUAC should use this plan, not their own personal view points when these decisions come before them. When he read the statement that way, he thought that was more helpful because here was a plan that had gone through public process, etc and it now was presumably part of the growth policy. The BLUAC should be looking to this plan, decisions shouldn't be based on the fact they didn't like the guy or whatever else it would be. They should use the plan as a guiding document in making their recommendations.

MOTION
(Amend #5 on page 42)

Toavs motioned and Cross seconded to amend #5 on page 42 to read; Determination in the first sentence of #5 on 42 would be changed to recommendation. The second sentence would be struck and a third sentence would be added to read; BLUAC acknowledges that the Bigfork Neighborhood Plan (BNP) is not regulatory and would not be used solely to recommend denial of an application.

**BOARD
DISCUSSION**

Mower said first of all they were not denying, only recommending. The project did not get denied until it went beyond the planning board or approved, either one.

Toavs said projects came before them all the time with a recommendation of approval or denial.

Mower said they were recommendations, not determinations. He would be fine with it if it were recommendations not determinations.

The board discussed the wording of the motion.

ROLL CALL

On a roll call vote, the motion passed unanimously.

VOTE

(Amend #5 on page 42)

**BOARD
DISCUSSION**

Culpepper had an issue with the goal statement on page 43. The property rights of the individual should be balanced with the good of the community and in the protection of clean water, wetlands, fish and wildlife habitat and farmland would be balanced by supporting natural resource utilization. He wanted to take the word should and replace it with will and take the word will and replace it with should.

MOTION

(Amend goal statement on page 43)

Culpepper moved and Hall seconded the motion to amend the goal statement on page 43 to read; The property right of the individual *will* be balanced with the good of the community and in the protection of clean water, wetlands, fish and wildlife habitat and farmland *should* be balanced by supporting natural resource utilization.

**ROLL CALL
VOTE**

(Amend goal statement on page 43)

On a roll call vote, the motion passed 7-2 with Pitman and DeKort dissenting.

**BOARD
DISCUSSION**

DeKort had an issue on page 43 with #6. He did not know exactly what BLUAC meant when they said 'cooperation with'. He asked if that meant that when BLUAC made a recommendation, the planning board was going to cooperate with it. Or, should it say something like, we insist Flathead County enforce their zoning regulations while considering their recommendations from BLUAC.

Cross asked if Gonzales could help the board understand the statement.

Gonzales said it was just semantics. If the board thought it was appropriate, then she had no problem with DeKort's suggestion. They were talking about cooperation between the two groups. That was why they chose the word cooperation, but if that didn't feel as comfortable with the board...

Grieve explained the history behind the statement.

MOTION

(Amend #6 on page 43)

DeKort motioned and Culpepper seconded to amend #6 on page 43 to read; It is Flathead County's responsibility to enforce its

43) zoning regulations in coordination with recommendations from BLUAC.

**BOARD
DISCUSSION**

Mower felt the word insist was not right. He offered an alternative wording for the amendment.

**ROLL CALL
VOTE**

*(Amend #6 on page
43)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Toavs still had a problem with 12.10. He did not approve of the fact the roads in the Bigfork area were approved but did not meet the county requirements. He was more against it now. The requirements should be the same throughout the county. He recounted a personal story of his road being widened to meet county standards. He asked why shouldn't the standards be county wide instead of applied in some areas and have other areas exempt. He would like to remove 12.10.

MOTION
*(Amend 12.10 and
19.2)*

Toavs motioned and Culpepper seconded to amend 12.10 and 19.2 to read; Flathead County acting through the planning department and BLUAC should encourage Planned Unit Developments.

**BOARD
DISCUSSION**

Cross asked Grieve if he could shed any insight on 12.10.

Grieve explained the reasons why there had been various widths of the roads in Flathead county.

Toavs thought they had regulations for a reason and people should be bound by them.

Pitman said he had dealt with this since 1992 when he was a county road superintendant. He drew up one of the first county road standards. His intent when he drew it up was that it was strictly for arterial roads the county was going to construct. It was taken by the county planning board and adopted for county road standard for all roads. He encouraged relooking at all the road standards. He thought keeping to the standards when the

standards were probably not correct, in his estimation, was the wrong way to go.

Mower said they would have to change a lot of things to give them the discretion to do that. They could do that now by asking for a variance.

Cross said they could also do that under a Planned Unit Development (PUD). The option already existed. So, in his opinion, the statement said they should encourage PUD development.

Grieve said under a PUD it was not a variance. The PUD gave the applicant the ability to propose what they want.

Mower said if they could do it now, why was the statement there.

The board discussed the statement and PUD's and options.

**ROLL CALL
VOTE**

*(Amend 12.10 and
19.2)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Toavs brought up 14.3 on page 45 which stated Flathead County should adopt procedures for reclamation of barns. He asked Grieve if the statement was in place.

Grieve said no. This policy would be difficult to implement.

Toavs asked if the whole thing, 14.3, would be difficult to implement.

Grieve said the first part, if the applicant was subject to the regulatory framework, they needed to do it. If the applicant was not subject to the framework, then they did not need to abide by the policy. It did not bother him if the beginning statements were left in. The statement said the county should adopt procedures. He was not familiar with what those procedures would be in terms of reclamation bonding. Essentially, it was talking about performance bonding which municipalities could do but the county did not do. He was not sure what the legal mechanism would be if it was available to the county to do performance bonding. That would be determined if the political will existed to do it.

Pitman said the developer could bond for improvements.

Grieve said they were talking about two different things. They were talking about a bonding for improvements after final plat or talking about performance bonding and reclamation bonding, which were different.

Pitman asked why they couldn't change that to contractor's bonding or developer bonding.

The board and Grieve discussed the differences between the two bonds.

MOTION

(Strike final two sentences from section 14.3)

Toavs motioned and Culpepper seconded to strike the last two sentences from section 14.3

**BOARD
DISCUSSION**

Mower said that they should ask BLUAC if they had any comment on the issue. They brought up an issue that was an issue at the moment which had no remedy. One of the things on these long term, multi phased developments was reclamation of disturbed areas which often times didn't get considered. Even after the developments were done, they were a mess. He didn't know that it wasn't an issue, it probably wasn't something they should look at in a planning board meeting, but he thought the county should consider the idea of reclamation. Maybe you could say they encourage reclamation. He thought it was a need.

Pitman said it was a requirement under DEQ for open pit mines that you have to have some sort of bonding. He did not know why they couldn't require that in the county. He thought it might be difficult, but it should be possible.

Grieve thought the legal mechanism would be possible as a side issue, but he was not aware of that mechanism. It was not something the county currently did.

Cross asked Gonzales her opinion on the issue.

Gonzales said they originally had different wording. They struggled with this issue. They wanted to make a statement because this was a future document. They were encouraging the county adopt regulations for this particular problem so when the

county did have a mechanism for this issue, which they had it in their document so that they could have the properties properly taken care of after construction.

Grieve did not think the last sentence which stated 'such bonds would be a prerequisite for approval' was appropriate. He thought it was misleading about what the requirements were.

**ROLL CALL
VOTE**

(Strike final two sentences from section 14.3)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Culpepper had an issue on page 46. Again, the words 'village character', he just didn't like. He still thought it needed to be defined. He was curious if DEQ didn't already provide stormwater management concerning policy 17.3.

Cross thought the subdivision regulations did too at this point, so it was just restating the same thing on the local level. He continued through the document. On page 47, he wanted to strike 21.2.

MOTION

(Strike 21.2 on page 47)

Cross moved and Culpepper seconded the motion to strike 21.2 on page 47 which concerned manufactured homes.

**ROLL CALL
VOTE**

(Strike 21.2 on page 47)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Culpepper had an issue on page 48. On policy 22.1, again, the phrase 'village areas' he still wanted to know what that was. But, more importantly, on goal 23, preserve view sheds. He wanted to know if there was a map of important view sheds because he would like to know what those were and how they could protect them. He asked that the board see a map at some point on what those view sheds were and what the criteria were for a view shed. He was just not comfortable with that goal until in his opinion, there was a map of it or at least to explain what

the criteria of a view shed was.

MOTION
(Amend 23.1)

Culpepper moved and Hall seconded to amend policy 23.1 to read; Development should encourage preservation of natural mountain, ridgeline, or other prominent, elevated, topographical horizons.

BOARD
DISCUSSION

Cross thought that was one of the seven elements of the growth policy to preserve view sheds.

Grieve read from the growth policy what concerned preservations of views in the Flathead.

Culpepper said with that being said he heard nothing in there about the 'encourage preservation of the horizon'. He did not hear anything in that section about that, that was why he was not comfortable with goal 23 primarily because of 'preservation of the horizon'. You want to take someone's right of way without any compensation given to them. He did not think it was needed. Now, if there was a way to rewrite it, then he was more inclined to support it. But, at this time he could not.

DeKort said then maybe they should get rid of policy 23.1, but goal 23 talked about stream, wildlife habitat, etc. It talked about a lot more than view sheds so it was a worthwhile goal.

Culpepper said he would be happy to amend his motion and strike policy 23.1.

Pitman said before you strike 23.1, what about changing horizon to view sheds.

Mower said the preservation of the horizon was almost universal in development codes. That discourages people from building on ridgelines and encourages them to build lower down so they were not obnoxiously sticking up in the air. He did not think it derived anyone of property rights or anything else. That's almost a universal statement under development codes. He did not see anything wrong with it. What they were trying to do was minimize the number of structures sitting up on top of a ridge. To him, that was a good thing.

Culpepper said if that was the case, then they needed to say that. But, he interpreted it as any height restriction would be

not keeping the preservation of the horizon. That was another definition he wanted an answer for. What was the preservation of the horizon? What was that? Because if there was a definition for it, then maybe he could support it. Maybe he wouldn't have to bring forward this motion. He was just still confused on...what did that mean? He did not know. And until he knew what that meant, he could not support that.

Cross asked Grieve if preservation of the horizon a generally recognizable term in land planning circles.

Grieve asked statewide, regionally or nationwide.

Heim said all of the above.

Grieve said regionally and nationwide the concept was well established and view shed preservation was known as being generally known as what Mower referred to. He explained the history behind view shed preservation.

Pitman wrote an alternative and read it to the board.

The board agreed with his definition of view shed.

**ROLL CALL
VOTE**
(Amend 23.1)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Culpepper had an issue on page 49. His question was on policy 27.2 which concerned public access to these areas. He asked who was going to be liable for the access. If someone got hurt on both the public and private land, who was going to be liable for that. Was the county going to be liable? Was the property owner going to be liable? Who would be liable for any injury? He would just like to know the answer to that question before he went on. It was a concern of his if they were going to have that in there, then he would like to know who would be liable for any accidents that take place forever on the public access to these sites, these areas. Because he was not prepared to have the county sued because someone had forever access to the public access and

they get hurt and decide to sue the county for millions of dollars for...

Cross asked if the county didn't already have liability where ever there was public access at this point to rivers and streams.

Culpepper said again, he was just asking the question who was going to be liable for that, for both public and private land.

Cross said it didn't say public and private land, it just said 'encourage all public and private efforts to secure public's access'. It didn't say it was going to be on private land, just that the efforts would be public and private.

Culpepper asked what they were going to have access to. Were they going to have access to rivers? Were they going to have access to land?

Cross said they were going to have access to what was referred to under goal 27. He thought they referred specifically to those lands described under goal 27.

Culpepper said again, he was not making a motion. He was making a statement that he was concerned with the liability issue.

Pitman could not speak for Bigfork, but he thought there were some private lands, just like Plum Creek, which allowed access to private lands.

There was a gentleman in the audience who worked for the Fish and Game who said usually if something crossed private land, it required an easement or some document which allowed the public to cross that private land. Once there was an easement, then it disallowed any liability of the land owner.

Culpepper said that was all he wanted to know.

Cross had a question on 24.8 that appendix G should be appendix L. He asked if that change had been made.

Grieve said the change had been made.

Cross said they had received some public comment on 26.1. He thought the wording should be different.

MOTION

Cross motioned and Hall seconded to amend 26.1 to read;

(Amend 26.1)

development should not limit existing legally established access.

**BOARD
DISCUSSION**

Cross did not want to be in the business of putting a formal imprinter on something which was basically a path people had been using for years. If it was legally established, fine.

**ROLL CALL
VOTE**

(Amend 26.1)

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

Culpepper wanted to ask BLUAC a question from page 79. He thought it was a good concept. He just wanted to hear more about it. He asked about the 'environmentally sound transportation system and the multimodal transportation', if someone would explain it to him, explain what it was.

Gonzales said multimodal was multiple types of transportation, golf carts, bike paths, pedestrian walkways, etc.

Culpepper asked about the environmentally sound...was she referring to, were those things she was referring to as an environmentally sound transportation system, not a new concept.

Pitman said that dated back to when the federal government started giving money out to counties for other modes of transportation.

Culpepper said the road issue on page 79 he had a concern with, however, he wanted it to be known that he supported this type of transportation system. He thought it was something that other municipalities throughout this county should be aware of, certainly in these economic times. But he did appreciate BLUAC bringing it forward.

Pitman had one question to try to clarify things. Was village synonymous with downtown Bigfork?

Gonzales said yes.

Pitman asked if there was a way they could change everything to village because this situation occurred so often, they perhaps should have that definition that 'village' was 'downtown Bigfork'.

Gonzales said they did pull a lot of the new construction and remodel which was done in a western style versus other construction which used more of the village type of style. It was not just downtown in the village but the style had been adopted throughout the community.

Pitman said largely the downtown area and the commercial area around Hwy 35. He said if they went back to the definitions, they could make some type of a definition that defined 'village area' as the downtown area and the Hwy 35 corridor through Bigfork.

Culpepper said that was what he was referring to in his opening statements. 'Village character', 'village' and 'village atmosphere' were mentioned throughout the document and it would be great to have that definition in there so when people go to it, they knew what you were referring to. They knew when they were going to build something, that that was what the residents of Bigfork were asking them to do. That was why he thought it was important they had that definition in the document for that final example.

Cross was confused as to whether they were talking about a definition of a geographical area of the village or if they were talking about the definition of what village character was. One could potentially be done geographically and he wasn't certain that it had not already been done. The character was a different animal.

Pitman thought they should just define village as the downtown portion of Bigfork and the Hwy 35 corridor through Bigfork.

Hall said exactly and asked where Pitman would say was the entrance to the area because they address that several pages back.

Mower said they did not talk about area. They talked about character. His understanding of that was wherever they develop commercial or anything for that matter, they would like it to follow that character. He did not think it could be defined as downtown Bigfork or the Hwy 35 corridor. He thought they were looking at that character to cover the whole planning area.

Grieve said there was also the land use category of VRC which

was Village Resort Commercial which was then applied. He would be reluctant to put too much restriction on the designation. He wanted to leave it open for future land owners to extend the area of village character. He gave examples of how that could be done.

Pitman said if it could be possible that before this document went before the commissioners, there could be a definition for village, village character, and village atmosphere and village area. He thought that might benefit BLUAC when they brought it before the commissioners because they might wonder about the definitions.

Gonzales said she thought that village character was more of a feel than a geographic area. She listed all the commercial zoning available in the area. She did not know how they could define something as geographically as well as a feeling.

Pitman wanted to see a definition for the more intangible word feel.

A gentleman in the audience offered to help with the definition. It went back to the 1992 plan. They did quite a study on village character and it was a quite common planning term used all over the US and Europe. Typically, a village character was the buildings pulled up to the street, boardwalks, sidewalks, with covered, sloped decks over them. There were lots of dormers, not a lot of steady rooflines for more than 25 to 30 feet without a dormer. A comparison might be downtown Bigfork in comparison with the intersection of Hwy 2 where there were the Kmart and ShopKos. That was not village character just because of the flatness of the roofs. But you could have commercial buildings in a village by pulling them up to the street, having parking around the back, rather than a big parking lot in the front and the upstairs above the flat roof was typically dormered and professional space or commercial space on the second story. It was very defined with wood architecture, and lots of rock. You see it around the country and in Europe. It was the basic village feel as opposed to the strip development feel of the commercial franchises.

Toavs had questions about this issue too, which was why under policy 10.1 about creating subcommittees to do the architectural design, color and signage, etc led him to believe that could be very discriminative on how people were required to build, which

if you were to look at 10.3 which had been changed he became ok with all this other wording. So the subcommittees would have the design standards then have to be adopted into one of the county's documents in order to be used. So, in his opinion, it took care of them being subjective on what village character was. If they had an architectural design for village character, then they were going to have to get it approved how they want people to do it.

Pitman said how he could see it was not possible to come up with a short definition.

Grieve said in a planned document, you don't necessarily need to define the word village, you could say the word village like you say the word agricultural everywhere else. It was when you implement it and regulate it; at that point, the law was clear that when you regulated feelings, you had to define them very clearly in terms of what exactly you mean. If at such time in the future there was a way to implement the village character in Bigfork, they would have to do that at that time. That definition would be hammered down as part of the regulatory implementation of a statement in the plan. At this point, it did not concern him because it was a non regulatory document referencing a feeling or aesthetic which was not regulated, therefore it did not need to be hammered down in terms of the exact specifics of the architectural element.

Pitman said it might not be a bad idea to have a definition at the beginning of future versions of the plan.

Cross continued through the document.

Culpepper had an issue on policy 31.1 on page 84 that he wanted to put down for the record that it was basically talking about impact fees that the development be required to pay their proportionate share, which they would do, but bear in mind that when it happened, that the taxpayers would have to pick up the cost by law. They would have to pick up the rest of the cost. He asked the board to be cognizant of that fact. As to special improvement districts, raising taxes, gas taxes, what have you, Flathead County citizens as a whole would have to pay the remaining portion of that share. He just wanted to make that statement for the record.

Cross continued through the document. On page 88, he knew there were some problems and Grieve had a revised amendment

process he was going to suggest.

Grieve summarized how he came to the revised amendment process and explained the process. He handed out copies of the revised amendment process to the board.

MOTION
*(Accept the revised
process for
amendments)*

Toavs motioned and Culpepper seconded the motion to accept the revised process for amendments.

**ROLL CALL
VOTE**
*(Accept the revised
process for
amendments)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Toavs wanted to raise an issue on page 83. He asked Grieve about the impact fee statement presented on that page. He was under the assumption that any impact fee which was initiated by the county needed to benefit the entire county.

Grieve said that it did not. They could do an impact fee for a certain district. It would have to be approved by the commissioners, but it could be done for one district in the county.

Toavs thought it had to benefit the entire county.

Grieve said the water and sewer district arguably already do an impact fee in their hook up fee.

Cross continued through the document.

Culpepper raised an issue on page 95. He said it went to show how much time had been spent on this neighborhood plan. The residential ownership opportunity foundation was no longer in existence. So, that needed to be struck because it did not exist.

Cross asked if there were any benefit to leaving in the foundation with the words now defunct behind it.

Culpepper said there was no benefit. In his opinion, there was none. It didn't exist. He did not think it would ever come back, either.

MOTION
(Strike residential

DeKort moved and Pitman seconded the motion to strike the references to the roof plan.

*ownership
opportunity
foundation)*

**BOARD
DISCUSSION**

Culpepper said this was what he was referring to in appendix A on page 95.

**ROLL CALL
VOTE**

*(Strike residential
ownership
opportunity
foundation)*

On a roll call vote, the motion passed unanimously.

**BOARD
DISCUSSION**

Cross continued through the document.

There were no more comments on the pages in the document.

Cross wanted to ask the people of the Bigfork Steering Committee and BLUAC if they wanted the board to give back the neighborhood plan to work on because they would prefer wording different than that proposed by the planning board or if they were happy enough to send the plan on to the commissioners as it had been amended by the board.

Craig Wagner, 1365 LaBrant Road, Bigfork, Chairman of the Bigfork Steering Committee, said the committee took a vote and they would like the board to forward the plan as amended to the commissioners.

MOTION
*(Pass a resolution
to adopt the
Bigfork
Neighborhood
Plan)*

DeKort moved and Heim seconded the motion to adopt a resolution to send to the county commissioners regarding the Bigfork Neighborhood Plan and authorize the chair to sign.

**BOARD
DISCUSSION**

Culpepper wanted to thank all the residents of Bigfork, the Bigfork Steering Committee, and the Bigfork Land Use Advisory Committee, both past and present, and the community at large who worked on the plan. He was the newest member on the board and he appreciated them bearing with him as he went through this plan, he knew it wasn't easy. He felt he had an obligation to review it in the best way he saw fit. He still had a concern with the fact this plan did not have current economical conditions and he thought it was imperative that they have those because today's economic conditions change and continue to

change. He was still concerned with some of the issues in the plan but overall he thought a lot of things got changed and he certainly would vote for it.

Mower wanted to commend the people who had worked on the plan for their patience because this had a tortured path. Not all of it was their problem. A big part of it was the county's problem, the changes, all the things that had occurred, lawsuits which had occurred in the middle, all these different things. He thought when all was said and done, they did have a good plan and he thought the county would have learned something and he thought they probably would have the next amended plan use an awful lot of the format they used. He commended their persistence and perseverance and he thought they did have about 98% of what they wanted.

**ROLL CALL
VOTE**

*(Pass a resolution
to adopt the
Bigfork
Neighborhood
Plan)*

On a roll call vote, the motion passed unanimously.

**COMMITTEE
REPORTS**

Toavs said that committee A wanted to get together one more time before they brought their decision on their mapping project to the board.

Committee B was meeting on March 26, 2009 at 8:30 am.

Committee A decided to have their meeting on March 27 at 8:00am.

OLD BUSINESS

None.

NEW BUSINESS

Grieve updated the board on their upcoming meetings.

ADJOURNMENT

The meeting was adjourned at approximately 9:10 pm. on a motion by Pitman. The next meeting will be held at 6:00 p.m. on April 8, 2009.

Gordon Cross, President

Donna Valade, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 4/29/09